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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,014	02/21/2002	Michael Wayne Brown	AUS920010845US1	1216

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,014	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/21/02, 11/21/03, 10/12/04, 6/8/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/03, 10/04, 6/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "said call." There is insufficient antecedent basis for this limitation in the claim assuming the "call" in the phrase "call party identification" is used to modify the party.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 5 – 7, 9, 10, 13, 17 – 19, 21 – 23, 27 – 30, 33, 36, 37, 40 – 42, and 45 – 47 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2002/0080950 (Koko et al.)

As to claims 1, 9, 10, 13, and 21 - 23, Koko et al. teaches a method and system for monitoring service transactions in a variety of environments and communication systems, wherein a second party to a call is requested to rank a first party to a call and that rating is stored in association with the first party. It is inherent that the identity of the first party is detected because no client record which could include prior client interactions could be kept unless the client's identity is determined at least at the beginning of each interaction, call etc.

(Abstract, Fig. 1, P. 1, ¶ 0005 – P. 2, ¶ 0017, P. 2, ¶ 0024 – P. 3, ¶ 0039, P. 4, ¶ 0045 – 0046, 0052, P. 5, ¶ 0061 – 0063)

Note that Koko et al. teaches that both a client and agent can rate each other and so either can read on the claimed first or second parties. Note also that in such environments such as telemarketing situations, call centers, etc., a client can call into a call center or can make a call to an agent requesting some service or information, i.e., callee, and an agent can make an outbound call to a client or potential client hoping to gain business, i.e., caller. Finally, system 100 of Koko et al. as seen in Fig. 1 and described on P. 1, ¶ 0014 – P. 2, ¶ 0029 indicate that computers, processors, and like elements are used. Because for any computer, programs are required to operate the computers, processors, etc., it is inherent that recording mediums are present and used as claimed wherein

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the recording medium is any memory upon which the recorded means or program is stored.

As to claims 5, 17, and 27, Koko et al. teaches storing previous client history and data together, wherein such data could include, as discussed above, agent rankings regarding the client's ease of sale, past complaints, location, etc.

(P. 4, ¶ 0046)

As to claims 6, 18, and 28, Koko et al. teaches storing the above-discussed rankings in association with the second party, i.e., using the stored client rankings to group and classify agents suitable for serving the client for example, the matching of client and agent being the claimed association. (P. 4, ¶ 0045 – 0046) Koko et al. also teaches that client responses / rankings as well as agent's responses / rankings / reports may both be stored or associated with the client's record, not only client rankings with client records and agent rankings with agent records. (P. 6, ¶ 0067 – 0068, ¶ 0073)

As to claims 7, 19, and 29, see the rejection of claims 5 and 6 and note that context of a call may be read as identity of either the agent or client, which then would make the storage of rankings in association with a client's or agent's identity inherent inasmuch as the different clients and agents in the client and agent record databases would have to be differentiated by identity or else storing such rankings would be useless. Moreover, certain clients depending on certain rankings could be slated for client feedback and are in turn, placed in a client list 156, indicating context for call interpreted in a different manner. (P. 3, ¶ 0031 – P. 4, ¶ 0043)

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As to claims 30, 33, 36, 37, 40 - 42, and 45 – 47, see the rejection of claims 1 and 7. Further note that the rankings and scores given by clients and / or agents are used by other personnel, read as the claimed subsequent and independent party, for following up with a client or in defending a company against a client, as well as a monitoring module 125 which is used for rating, grouping, matching agents, etc. reading on the claimed party to at least one portion of the context of the call.

Of course, such ranking information must be retrievable in order for it to be utilized as discussed already. And if such information is retrievable, it is inherently output at some point. Also, controlling its output is inherent because in one sense, such information would not be output for anyone to hear or see inasmuch as some of the above-discussed information may be sensitive and only useful to agents or the company or system that desires to perform the monitoring. Interpreted differently, controlling output must be done inasmuch as Koko et al. teaches utilizing a plurality of communication methods including standard voice telephony, email, live chat over IP, voice over IP, etc. As such, the system would have to control the output so that the proper method was used. (P. 2, ¶ 0017 – 0021)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2 – 4, 8, 11, 12, 14 – 16, 20, 24 – 26, 31, 32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0080950 (Koko et al.) in view of US 6,798,876 (Bala).

As to claims 2, 3, 14, 15, 24, 25, 32, and 35, Koko et al. as discussed above already contemplates various ways of identifying a party and aspects on which to rate a party, whether by geographical location, ease of sale, which could read on business represented by a party, past sales, etc. which could include insurance or any other business. (P. 1, ¶ 0015 – P. 2, ¶ 0022, P. 4, ¶ 0045 – 0047 of Koko et al.)

Therefore, Koko et al. does not specifically teach line number, subject of call, or billing plan. However, such call parameters or contexts are notoriously

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old and well known in the call center arts. Bala teaches a method and system of intelligent routing to call center agents, wherein any customer information is contemplated as being stored and/or utilized. (Abstract, Col. 1, line 63 – Col. 2, line 36, Col. 3, lines 14 – 50 of Bala) It would have been obvious for one of ordinary skill in the art at the time the invention was made to extend the invention of Koko et al. to include the parameters and contexts taught by Bala inasmuch as both systems teach a method of routing calls to appropriate agents and storing relevant information to do so, as well as ranking at least agents. Call centers and service centers can cover any subject matter, use any identification, or allow for rating any aspect or context that is desired by the company desiring the monitoring or providing the call center services. Such is dependent merely upon business needs, not any operational aspect of call centers or telephony.

As to claims 4, 16, and 26, see the rejection of claim 30 and note the discussion regarding sensitive information and who may be privy to such information or rankings. Limiting access to the ranking to an agent or caller is merely a design choice or preference and is a feature that merely depends on the desires of the company or entity doing the monitoring. For instance it may be useful for a client to know that he/she is getting a low rating because for example, he/she is late on making payments and it would be advantageous to provide this information so as to give him/her the opportunity to remedy the situation. Other information, such as ranking the location or ease of sales may only be relevant for an agent and so only providing access for ranking for such information to agents would simply be common sense.



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As to claims 8 and 20, see the rejection of claims 2, 4, and 7.

As to claim 11, see the rejection of claims 1, 2, and 4, and note that identity of a party may well be the business that the party represents. Such would merely depend on how the agent or company decides to characterize the party. For example, any call from one of a company's departments could simply be characterized as a call from that company's department, instead of determining the actual individual's identity. Such variations are notoriously old and well known and merely depend on the business methodology of the monitoring company for example. If a different company were performing the monitoring, different parameters or aspects of calls and callers would be used and realized. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have determined a party's business.

As to claim 12, see the rejection of claims 1 and 30. What Koko et al. does not explicitly teach is compiling ratings.

However, Koko et al. teaches the use of success "rates" of agents and ranking clients based on past history as already discussed above. A "rate" cannot be one instance of a ranking for example or at least will not have much meaning. Only when a plurality of rankings is compiled, thus resulting in a pattern or rate, will a rate have meaning. Also, past history as well will not have much meaning unless the history as a whole can be compiled. Moreover, compiling ratings is notoriously old and well known in call center arts as well as any monitoring or ranking situation and thus doing so would have been obvious to one of ordinary skill in the art at the time the invention was made.

As to claims 31 and 34, Koko et al. already teaches using a numerical scoring or ranking method. (P. 4, ¶ 0046 of Koko et al.) However, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have utilized an alphanumeric scale as well. Firstly, a numerical scale is already included in an alphanumeric scale. Secondly, such is merely a design choice or preference notoriously old and well known in the call center as well as other arts. Many times, more detailed ranking is necessary that a simple number can provide, hence a combination of letters and numbers is used.

4. Claims 38, 39, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0080950 (Koko et al.) in view of US 6,650,736 (Unger et al.)

Koko et al. has been discussed above. What Koko et al. does not specifically teach is receiving a rating determined by a context rating service functioning within or outside a trusted telephone network.

However, interpreted in one manner, the system of Koko et al. could merely function as a separate rating system for another call center. As is well known in the telecommunications industry, different lines can be drawn regarding the boundaries of telephone networks as well as different partnerships or agreements between providers, making functioning inside or outside trusted networks an obvious design choice or preference as well. Such a limitation as claimed merely has to do with the organization of telephony or communications networks upon which the invention of Koko et al. or another call center system

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would reside in. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive ratings from a service inside or outside a trusted network.

Alternatively, as discussed above, Koko et al. inherently teaches determining a client's identity for example. Unger et al. teaches a method and system for performing third party verification using a scoring system to deny or confirm verification. (Abstract, Fig. 1 – 4, Col. 1, lines 11 – 45, Col. 2, lines 1 – 45, Col. 3, lines 16 – 49, Col. 4, line 5 – Col. 6, line 54 of Unger et al.) It would have been obvious to combine Koko et al. and Unger et al. inasmuch as Unger et al. would merely provide the third party rating for verification of clients calling into the call center monitoring system of Koko et al.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,049,599 (McCausland et al.) teaches a churn amelioration system wherein customers are rated. US 6,587,556 (Judkins et al.) teaches a skills based routing method and system for a call center wherein agents and customers may rate each other. US 2003/0169856 (Elazar et al.) teaches a method and apparatus for quality assurance in a call center environment.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number

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is 571-272-7480. The examiner can normally be reached on Mon thru Fri  
9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The  
fax phone number for the organization where this application or proceeding is  
assigned is 703-872-9306.

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free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

H.A.A.  
June 23, 2005

**HECTOR A. AGDEPPA**  
**PATENT EXAMINER**

